

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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UNITED FOOD AND COMMERCIAL WORKERS  
UNIONS AND EMPLOYERS MIDWEST HEALTH  
BENEFITS FUND

Plaintiff,

v.

GLAXOSMITHKLINE PLC and SMITHKLINE  
BEECHAM CORP. d/b/a GLAXOSMITHKLINE, INC.

Defendants.

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NO. 2:02-cv-04571-BWK

**MOTION FOR EXTENSION OF TIME  
TO RESPOND OR OTHERWISE PLEAD TO THE COMPLAINT**

Defendants GlaxoSmithKline plc and SmithKline Beecham Corp. d/b/a

GlaxoSmithKline ("Defendants"), by and through their undersigned counsel, move this Court pursuant to Fed. R. Civ. P. 6(b)(1) for an order extending the time for Defendants to respond or otherwise plead to the complaint, and in support state:

1. On August 15, 2002, the Clerk of Court entered an Order extending the time for Defendants' response to the complaint to and through September 13, 2002.

2. Defendants are aware of five other related class actions pending before this Court. These cases are: MC-UA Local 119 Health and Welfare Plan v. GlaxoSmithKline, et al., Civil Action No. 02-CV-4398; Joseph Burrell v. GlaxoSmithKline, et al., Civil Action No. 02-CV-4431; Joanne Gaddy v. GlaxoSmithKline, et al., Civil Action No. 02-CV-6707; Sheila A. Vigeant v. GlaxoSmithKline, Civil Action No. 02-CV-6687; and Jeffrey Ettinger v. GlaxoSmithKline, et al., Civil Action No. 02-CV-6688.

3. Plaintiff has served one of the related actions (Joanne Gaddy v. GlaxoSmithKline, et al., Civil Action No. 02-CV-6707), but the time to respond has not yet run. Upon information and belief, none of the other related actions has yet been served upon Defendants.

4. Counsel for Plaintiffs and counsel for Defendants in these actions anticipate proposing to the Court the filing of a Case Management Order that would provide, inter alia, for the filing of a single, consolidated amended class action complaint that would supercede the separate complaints now on file.

5. It would serve no purpose for Defendants to respond to a complaint that plaintiffs presently intend to amend. An extension of time until after the consolidated, amended complaint is filed would avoid the burden of responding to multiple complaints in separate actions.

6. As set forth in the Stipulation for Extension of Time, attached to this Motion as Exhibit A, plaintiffs consent to the requested extension.

Accordingly, Defendants respectfully request that the Court extend the time for Defendants' response to the complaint to a date to be set by the Court following the filing of a single, amended consolidated class action complaint.

Dated: September 11, 2002

Respectfully submitted,

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Mark S. Stewart  
Leslie E. John  
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INGERSOLL, LLP  
1735 Market Street, 51<sup>st</sup> Floor  
Philadelphia, PA 19103  
(215) 665-8500  
Attorney for Defendants

**CERTIFICATE OF SERVICE**

I, Leslie E. John, Esquire hereby certify that the foregoing Motion for Extension of Time to Respond or Otherwise Plead to the Complaint was served on plaintiff this date by sending a true and correct copy of the same via first class mail and facsimile to:

Michael G. Nast, Esquire  
RODA & NAST PC  
801 Estelle Drive  
Lancaster, PA 17601

Dated: September 11, 2002

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Leslie E. John